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Eric S Hyman			BUI, KIEU OANH T	
Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard			ART UNIT	PAPER NUMBER
7th Floor Los Angeles, CA 90025			2611	
			DATE MAILED: 05/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	7
		09/672,372	LIPPINCOTT, LOUIS A.	
	Office Action Summary	Examiner	Art Unit	
		KIEU-OANH T. BUI	2611	
Period fo	The MAILING DATE of this communication ap or Reply	opears on the cover sheet with the c	correspondence address	
THE - External after - If the - If NC - Failur Any (ORTENED STATUTORY PERIOD FOR REPI MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reprivation of the provision of the	136(a). In no event, however, may a reply be tir ply within the statutory minimum of thirty (30) day d will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	mely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).	
Status.				
2a)⊠	Responsive to communication(s) filed on <u>25.0</u> This action is FINAL . 2b) The Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matters, pr		
Dispositi	ion of Claims		·	
5)□ 6)⊠ 7)□	Claim(s) 1-29 is/are pending in the applicatio 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) 1-29 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/	awn from consideration.		
Applicati	ion Papers			
10)	The specification is objected to by the Examir The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examir The specification is objected to be specificated to be specificated to by the Examir The specification is objected to be specificated to be specif	ccepted or b) objected to by the e drawing(s) be held in abeyance. Se ction is required if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).	
Priority u	ınder 35 U.S.C. § 119			
12)□ a)l	Acknowledgment is made of a claim for foreig All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Bures See the attached detailed Office action for a list	nts have been received. nts have been received in Applicat ority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachmen	t(s)			
1) Notice 2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:		

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-29, with new claims 25-29 added, have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras et al. (U.S. Patent No. 5,872,588) in view of Ellis (US Patent Pub 2002/0059610 A1).

Regarding claim 1, Aras discloses "an apparatus" (Fig. 1A, item 111 & Figs. 15-16 for a home station) comprising: "a first processor coupled to a communications channel device, the communications device capable of receiving and transmitting information to a video-on-demand (VOD) service provider", i.e., the processor of Figure 16 coupled to an upstream or control channel as a communications channel device for receiving and transmitting to a VOD service provider –as shown in Fig. 1A for a broadcast server and ITV server (col. 6/line 45 to col. 7/line 29 for VOD service is included); "a VOD content decoder coupled to the first processor" (Fig. 16, an AVI decoder for decoding the audio/visual content, and col. 7/line 5 to col. 8/line 53 for details on fields and contents of AVI frames, as also illustrated in Fig. 2); "a video and audio formatting processor coupled to the first processor and the content decoder" (as shown in Figs.

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15 & 16, decode module 1561 decode the audio and visual information and presents audio and video to the display 1563, wherein it is also coupled to the processor as shown in detail in Fig. 16); and "an index memory coupled to the first processor, wherein the index memory stores a plurality of VOD program segment representations of at least one partial VOD program content" (Fig. 16 shows a memory wherein the memory stores index of VOD segment programs of either a whole VOD program content or portions of program content, see more on col. 7/line 58 to col. 9/line 16 for separate sub-portion identifiers and time index for identifying portions of programs presenting to each viewer, and Figs. 10-12 for time index including start time and end time of each AVI stream).

Aras does not further show that the start and stop segments are from a recorded show that has already been viewed after the user selects the start and stop times, i.e., a prerecorded segment; however, Ellis teaches a same technique since portions or program segments (page 3, par. 0036 for portions can be implemented on the interactive television for interactive sessions) can be stored for replays on a prerecorded medium or storage (page 4, par. 0043) with a segment such as "Mad about you" starting from 8PM and ending 8:30PM can be selected and added to watch list using button 802 (Fig. 9) and use a VCR or a recordable digital video disc for recording for viewing at a later time as suggested in par. 0043 of page 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aras' system with Ellis's teaching technique of including prerecorded segments as taught by Ellis in order to replay for selected segments at ease.

As for claim 2, in further view of claim 1, Aras discloses "wherein the first processor receives information from a user controller" (Fig. 15 as subscriber 113 uses I/O control 1553 for controlling the processor within the monitor 1555—as the processor later shown in Fig. 16).

As for claim 3, in further view of claim 2, Aras shows "wherein the user controller is one of an infrared remote controller, a keyboard, a computer mouse and a voice activated controller" (col. 5/lines 56-67 for remote controller; and Fig. 15-16, and col. 25/line 36 to col. 26/line 5 for a variety of different user inputs).

As for claim 4, in further view of claim 1, Aras further discloses "wherein the plurality of VOD program segment representations comprises a content identification, a content segment start time, and a content segment stop time" (Fig. 2 shows AVI stream with content fields and ID, and Fig. 12 for start time and stop time of each AVI stream identifying by its own ID).

As for claim 5, in further view of claim 4, Aras shows "wherein the content identification is one of received from a VOD service provider and selected by a user" (as shown in Figs. 12-13, and col. 23/line 40 to col. 24/line 10 as viewers can select the AVI stream portions presented to them for appropriate billing purposes).

As for claim 6, in further view of claim 5, Aras shows "wherein the content segment start time and the content segment stop time are selected by a user" (see claim 4 & 5 as viewer can select the AVI portions by each AVI content start time and end time).

As for claim 7, in view of claim 4, Aras inherently teaches "wherein one of the plurality of program segment representations requires 1 to 10 bytes of memory", i.e., allocation of memory is assigned based on behavior collection data using standard NTSC format for bytes (col. 13/line 34 to col. 14/line 43).

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As for claim 8, in further view of claim 1, Aras further discloses "wherein the index memory is a non-volatile read and write memory" (home station includes non-volatile memory, see col. 16/lines 45-51).

Regarding claim 9, Aras discloses "a system comprising: a video-on-demand (VOD) service provider coupled to a plurality of settop-box (STB) units, wherein each of the plurality of STB units comprises a first processor coupled to a communications channel device, the communications device capable of receiving and transmitting information to a VOD service provider; a VOD content decoder coupled to the first processor, a video and audio formatting processor coupled to the first processor and the content decoder; and an index memory coupled to the first processor, wherein the index memory stores a plurality of VOID program segment representations of at least one partial VOD program content and each of the plurality of STB units are capable of communicating with each other" (same as claim 1 above, with set top box or set top terminal at the user location as shown in Figs. 1A & 1B, and col. 4/lines 40-57 & col. 5/lines 39-67).

Aras does not further show that the start and stop segments are from a recorded show that has already been viewed after the user selects the start and stop times, i.e., a prerecorded segment; however, Ellis teaches a same technique since portions or program segments (page 3, par. 0036 for portions can be implemented on the interactive television for interactive sessions) can be stored for replays on a prerecorded medium or storage (page 4, par. 0043) with a segment such as "Mad about you" starting from 8PM and ending 8:30PM can be selected and added to watch list using button 802 (Fig. 9) and use a VCR or a recordable digital video disc for recording for viewing at a later time as suggested in par. 0043 of page 4. In addition, Ellis

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teaches that the set top box can communicate with each other by using Email function (Ellis, Figs. 5 & 6, with a letter icon 608 for e-mail to other users using set top boxes, refer to page 5, par. 0056). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aras' system with Ellis's teaching technique of including prerecorded segments and e-mail function using the set top box as taught by Ellis in order to replay for selected segments at ease and to communicate with each other using e-mails.

As for claims 10-16, these claims with same limitations are rejected for the reasons given in the scope of claims 2-8 as already disclosed in details above.

As for claim 17, Aras discloses "a method comprising: ordering at least one video-on-demand (VOD) program from a VOD service provider from a first set-top-box (STB) unit; playing at least one VOD program, selecting a start and stop time for recording a representation of a segment of the at least one VOD program, wherein the start and stop time are user selectable; converting a VOD program identifier of the at least one VOD program to a text representation; one of converting the text representation of the VOD program identifier of the at least one VOD program into a unique encoded digital representation and receiving a unique encoded digital representation from the VOD service provider; converting the start and stop time for a segment of the at least one VOD program to a digital representation; and storing the VOID program identifier encoded digital representation and the start and stop digital representation in an index memory" (same as claim 1 and 9 above, with the step of ordering VOD program from the viewer/user, see col. 3/lines 7-27 & col. 5/lines 39-67 & col. 7/lines 5-53 and col. 23/line 40-col. 24/line 26 for related information on how the viewer or subscriber orders and selects the

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VOD program including portions or segments of VOD program using AVI stream based on start time and end time of each AVI stream presented to the viewer for selection).

As for claims 18-20, Aras inherently shows further "comprising converting the stored VOD program identifier encoded digital representation and the start and stop digital representation of the segment of the at least one VOD program to a graphics representation, wherein a user can select the graphics representation to order the segment of the at least one VOD program" and "attaching the stored VOD program identifier encoded digital representation and the start and stop digital representation in an electronic mail (email), and sending the email to a user located at a different venue" (col. 24/line 29 to col. 25/line 40 while computer software, computer monitor and PDA are used in receiving electronic messages from the system in either audio form and video form, see further in col. 26/line 44 to col. 27/line 4 for VOD services delivered to the users/viewers at different venue or location).

As for claims 21-24, these claims for "a program storage device readable by a machine comprising instructions that cause the machine to: order at least one video-on-demand (VOD) program from a VOID service provider from a first set-top-box (STB) unit; convert a VOD program identifier of the at least one VOD program to a text representation; one of convert the text representation of the VOD program identifier of the at least one VOD program into a unique encoded digital representation and receive a unique encoded digital representation from the VOD service provider; convert a start and stop time for at least one segment of the at least one VOD program to a digital representation, wherein the start and stop time for the at least one segment of the at least one VOD program are user selectable and are based on a stop and a start time of a recorded representation of the at least one segment of the least one VOD program where the at

elast one segment of the at least one VOD program has already been viewed; and store the VOD program identifier encoded digital representation and the start and stop digital representation in an index memory" are rejected for the reasons given in the scope of claims 1-17 as disclosed in details above.

As for claims 25-29, these claims for an apparatus with same limitations as discslosed above are rejected for the reasons given in the scope of claims 1-9 with Ellis' disclosing e-mail function for communicating to each other using set top boxes as discussed earlier.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

6. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner

can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays

off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Krista Bui

ÆKunll

Primary Examiner

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KB May 5, 2005